

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. C 06-00556-2 CRB

Plaintiff,

**BRIEFING ORDER**

v.

STEPHANIE JENSEN,

Defendant.

By Wednesday, February 27, the defendant will submit a brief of no more than four pages addressing whether: (1) the “officer” enhancement in U.S.S.G. § 2B1.1(b)(15)(A)(i) – which became effective January 25, 2003 – may be applied to the defendant’s conduct; and (2) the defendant is an “officer” within the meaning of U.S.S.G. § 2B1.1(b)(15)(A)(i). With regard to the latter issue, the defendant shall address whether the controlling definition of “officer” is found in 17 C.F.R. § 240.3b-2. Cf. In re Improper Influence on Conduct of Audits, Exchange Act Release No. 47,890 (May 20, 2003) (SEC rule assuming that § 240.3b-2’s definition of officer controls in context of Sarbanes-Oxley).

**IT IS SO ORDERED.**

Dated: February 25, 2008



CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE